

system, a buyer registers a PIN, at least one biometric sample, and at least one buyer financial account (Column 4, Lines 18-21). The buyer performs a proposed transaction by adding his personal authentication information consisting of a biometric sample and the PIN. This allows the buyer financial account to be accessed if the biometric sample and PIN match the information associated with the account (see Column 4, beginning at Line 34). Thus, the Pare reference describes a system wherein by providing a biometric sample and a PIN number a user is able to access information without the use of any electronic portrait information stored in a personal device. Therefore, the Pare reference is distinguishable from and teaches away from Applicant's Claim 1. Likewise, Houvener describes a system wherein a checking account number is used to search a database having digital photographic images associated with a transmitted account number in order to retrieve and display a digital photographic image. No storing of an electronic portrait in a personal device is described by the reference.

While the Maes et al. reference describes the use of a PDA, including a biometric sensor 40 for collecting biometric data and a biometric processor module for determining whether access should be granted to a memory (Column 5, Lines 45-63). The reference does not describe storing an electronic portrait in a personal device to enable access of the electronic portrait by a seller during a transaction and transmitting the electronic portrait to a seller via a wireless interface during a transaction. The biometric information described with respect to the Maes reference is used for accessing information within the PDA. Not for storing an electronic portrait in a personal device to be transmitted to a third party. Therefore, the Applicant respectfully submits that Claim 1, and all claims dependent

therefrom, are distinguishable from the art of record and a Notice of Allowance is respectfully requested.

Claim 18 has been amended to include the limitations of previous Claim 26. In view of the indication of allowable subject matter for Claim 26, the Applicant respectfully submits that Claim 18, and all claims dependent therefrom, are allowable over the art of record and a Notice of Allowance is respectfully requested.

Finally, with respect to Claims 35-37, Applicant respectfully submits that these claims are distinguishable from the art of record for reasons which will be discussed in a moment with respect to Claim 29.

Claims 9-12, 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pare, Jr. et al. Claim 9 has been amended to further describe the step of receiving an electronic portrait from a personal device of a buyer via a short range wireless interface, the electronic portrait enabling generating of a physical identifier for comparison to the buyer by seller using equipment of the seller. For reasons similar to those discussed with respect to Claim 1, the Applicant respectfully submits that the recited reference does not describe receiving an electronic portrait from a personal device as the Pare reference intends to provide means for accessing an account without the use of one or more proprietary objects. Therefore, the Applicant respectfully submits that Claim 9, and all claims dependent therefrom, are distinguishable from the art of record and a Notice of Allowance is respectfully requested.

Claims 13 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pare, Jr. et al. in view of Maes et al. As Claim 13 is pending from existing Claim 9, the

Applicant respectfully submits that it is allowable over the art of record for reasons discussed previously with respect to Claim 9. Furthermore, the Maes et al. reference, while describing the use of biometric data for accessing information within the PDA, or other type of electronic device, does not describe receiving an electronic portrait from a personal device via a short range wireless interface, the electronic portrait enabling generation of a physical identifier for comparison to the buyer by a seller using equipment of the seller. As Claim 23 has been canceled, this rejection is now moot. Applicant respectfully submits that Claim 13 is allowable over the art of record and a Notice of Allowance is respectfully requested.

Claim 29-31, 33, 38 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pare, Jr. et al. in view of Houvener. Claim 29 recites a memory and an electronic portrait stored within the memory, the electronic portrait enabling generation of a physical identifier for comparison to the buyer by a seller in transmission circuitry enabling a wireless communication link between a buyer and a seller for transmission of the electronic portrait. As described previously with respect to Claim 1, the recited Pare, Jr. and Houvener reference do not describe an electronic device having an electronic portrait stored within a memory, wherein the electronic portrait enables generation of a physical identifier for comparison to a buyer by a seller. Therefore, the Applicant respectfully submits that Claim 29, and all claims dependent therefrom are distinguishable from the art of record and a Notice of Allowance is respectfully requested.

Applicant thanks the Examiner for his indication of allowable subject matter of Claims 7, 16, 26, 27 and 32. Claim 7 and 16 have been amended to be in independent format and should thus now be in condition for allowance. As mentioned previously, Claim 18 has

been amended to include the limitations of previous Claim 26 and should thus be in condition for allowance.

In view of the foregoing amendments and comments, the Applicant respectfully submits that all pending Claims are allowable over the art of record and a notice of Allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. D. Walker", with a long horizontal flourish extending to the right.

Brian D. Walker  
Reg. No. 37,751

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JENKENS & GILCHRIST, P.C.  
1445 Ross Avenue, Suite 3200  
Dallas, Texas 75202-2799  
214/855-4706 (Direct)  
214/855-4300 (Fax)